

GNB Incorporated

Resource Recycling Division

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September 18, 1993

Chief, Facility Management Branch -- Region III
Department of Toxic Substances Control
1011 N. Grandview Avenue
Glendale, California 91201

Re: H.W.C.A. No. 93/94-006
CONSENT AGREEMENT AND ORDER

Dear Sir:

This letter is sent to fulfill the requirement under paragraph 6.1.32. Verification Submittal, and describes when and how GNB completed each item of corrective action described in paragraphs 6.1.1 through 6.1.31 of the Agreement. Most of the items had already been completed, prior to the signing of the Agreement and are so noted.

6.1.1 Respondent will not maintain hazardous waste piles unless they are in compliance with Title 22, sections 66265.250 through 66265.258.

This item was corrected prior to the signing of the Agreement. Currently, in accordance with the Land Disposal Restrictions, no waste piles are maintained at the Facility. Since the "waste" materials managed at GNB are classified as hazardous (D008) primarily due their lead content, and D008 wastes are restricted from any form of land disposal, lead bearing materials that are not amenable to management in tanks or containers due to their bulk and volume are managed within either the reverb feed room or the blast furnace feed room. These areas are designed and operated in a manner that provides similar containment as that provided by a tank. These areas are being incorporated into the Part B application as regulated units in accordance with the technical standards of 40 CFR 265.1100 - Containment Buildings.

6.1.2 Respondent will handle the following materials in accordance with California law: (1) battery separator case waste, (2) crushed or used drums and (3) crucibles; Respondent will not maintain these materials in unpermitted hazardous waste piles.

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This item was corrected prior to the signing of the Agreement. Battery separator waste is managed within the reverb feed room. This material is charged to the reverberatory furnace as a reducing agent. Crushed steel drums are managed within the blast furnace feed room. This material is charged to the blast furnace as a fluxing agent, providing part of the iron requirement to the furnace. Crucibles are repaired/reworked and returned to service. Crucibles are not intended for discard, and are therefore not wastes.

6.1.3 When Respondent ships any products, materials, wastes or recyclable materials off its premises, Respondent will ensure that the outgoing trucks or containers do not leak hazardous wastes onto the streets or highways.

This item was corrected prior to the signing of the Agreement. Spent batteries that cannot be managed at the facility (some steel cased batteries, Ni-Cad batteries, etc.) are placed on pallets, stretch-wrapped, and securely banded in place. Slag (a dry, solid material) that is shipped off-site for disposal is placed in a steel roll-off box with a tarp securely covering it. Responsible employees have been trained in the proper management methods for these materials.

— 6.1.4 Prior to shipping its polypropylene chips off its premises, Respondent will dry them sufficiently to ensure that leachate from these chips does not leak onto the streets or highways.

This item was corrected prior to the signing of the Agreement. Crushed polypropylene battery case material is separated from other components within the raw material processing system (RMPS). These plastic chips are pneumatically conveyed into a trailer. The trailer is staged within the GNB facility where the chips are allowed to air dry. Before leaving the property, each trailer containing plastic chips is washed off at the mobile equipment wash area. Again, the trailer is allowed to air dry before it leaves the site.

6.1.5 Respondent will ship its polypropylene chips under hazardous waste manifest, using a registered transporter, to a Facility which has a Permit or other authorization from the Department allowing it to accept hazardous waste.

This item was corrected prior to the signing of the Agreement. The polypropylene chips are sent to KW Plastics where they are reclaimed to yield pelletized polypropylene, which is subsequently used to manufacture new battery cases. When this material leaves the GNB facility, it is accompanied by a hazardous waste manifest (with applicable Land Disposal Restriction notifications attached). It is transported via a registered transporter (Sanders Trucking). KW Plastics has been issued an EPA ID number (CAD 982435026) and has authorization from the Department to accept the polypropylene chips from GNB.

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6.1.6 Respondent will post and maintain signs with the warnings required by Title 22, section 66265.14(c) at the entrance to the active portion of the Facility.

Existing warning signs were posted at the following locations prior to the signing of the Agreement:

- (1) Entrance to the RMPS room
- (2) At the railroad dock
- (3) At each battery storage area

Additional signs with the legend "Danger Hazardous Waste Area -- Unauthorized Personnel Keep Out," have been posted at scale house entrance and at the Indiana Street entrance to the plant. The legend is presented in English and Spanish and is legible from a distance of at least 25 feet.

6.1.7 Respondent will make emergency arrangements with emergency response agencies, including local police and fire departments and local hospitals, as required by Title 22, section 66265.37.

This item was corrected prior to the signing of the Agreement. Copies of letters sent out to police, fire departments, emergency response teams and the local Office of Emergency Services are on file at the GNB facility. Attached to each letter was a brief description of the facility and processes along with a site plan. As the Contingency Plan is updated, new letters will be sent out, copies of which will be maintained on-site. An example of the type of letter to be sent out with the updated Contingency Plan is attached as Exhibit 1.

6.1.8 Respondent will develop and follow a waste analysis plan which identifies the components of its waste streams, as required by Title 22, section 66265.13(b).

This item was corrected prior to the signing of the Agreement. A waste analysis plan was developed as part of the original Part B application submittal in November 1988 and subsequently revised in February 1991 and June 1992. It can be found in Section 5 of the Part B application and is maintained on-site. Documentation as to its implementation is initiated at the scale house and ultimately filed in the Environmental Clerk's Office. As allowed by 22 CCR 66265.13(a)(2)(B), GNB solicits the required information from the supplier (e.g., generator) of the lead bearing raw materials (e.g., hazardous waste). An example of the letter used to obtain the generator's certification is attached as Exhibit 2. The letter also lists what materials are acceptable for lead reclamation at GNB's Resource Recycling facility.

6.1.9 Respondent will maintain an adequate inspection schedule and inspection log, including during periods when its environmental clerk is on vacation, as required by Title 22, section 66265.15(d).

This item was corrected prior to the signing of the Agreement. The inspection schedule can be found in Section 8.3 of the Part B application. The inspection log sheets are filled out by the Environmental Clerk. When person filling this position is not available, a designated individual is responsible for recording the inspection findings. The inspection log sheets are maintained at the facility (in the Environmental Clerk's Office) for at least three years from the date of inspection. The inspection log includes the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

6.1.10 Respondent will maintain a Contingency Plan which complies with the provisions of Title 22, sections 66265.51 and 66265.52, and contains, without limitation, (1) a specific description of actions to be taken by company personnel in an emergency, (2) a description of arrangements with emergency response agencies, (3) a listing of all emergency equipment, with a description of the location and capability of each item, (4) a legible evacuation plan which describes the signals to be used to begin evacuation, and (5) the name of the primary and all alternate emergency coordinators.

This item was completed prior to the signing of the Agreement. A copy of the Contingency can be found in Section 10 of the Part B application. Copies of the plan are maintained at the facility (locations are listed in the plan) and with the Environmental Manager, the Plant Manager, the Furnace Department Head, the Environmental Chemist, the Maintenance Manager, the Engineering Manager, and the Safety Manager. The persons filling these positions also serve as primary and alternate emergency coordinators on a rotating schedule which is posted in each office. The plan presents a description of actions to be taken by plant personnel in general terms and for specific types of incidents. It documents the arrangements made with emergency response agencies. Section 10. lists the required emergency response equipment information. Evacuation routes for each department are presented. Portable compressed air type horns are present in each control center for use in a facility wide emergency for notifying personnel to begin evacuation. This plan is routinely reviewed to keep it up to date. The most recent review and revision began in August 1993 and will be distributed to appropriate emergency response and regulatory agencies upon its completion (estimated completion date September 24, 1993).

6.1.11 Respondent will maintain a closure plan which complies with the provisions of Title 22, section 66265.112 and, without limitation, details the equipment and methods for testing contaminated soil.

This item was completed prior to the signing of the Agreement. A closure plan was developed as part of the original Part B application submittal in November 1988 and subsequently revised in February 1991 and June 1992. It can be found in Section 13 of the Part B application and is maintained on-site. The plan was edited in September of 1993 to include details on the equipment and methods for testing for contaminated soil. The revised closure plan will be distributed to appropriate regulatory agencies upon its availability (estimated delivery date is October 4, 1993).

6.1.12 Respondent will maintain a closure cost estimate, as required by Title 22, section 66265.142.

This item was completed prior to the signing of the Agreement. A closure cost estimate was developed as part of the original Part B application submittal in November 1988 and subsequently revised in February 1991 and June 1992. It can be found in Section 14 of the Part B application and is maintained on-site. The cost estimate is adjusted annually for inflation. The new amount is reflected in the financial assurance instrument.

6.1.13 Respondent will maintain a training program which complies with Title 22, section 66265.16.

This item was completed prior to the signing of the Agreement. A hazardous waste training program was developed as part of the original Part B application submittal in November 1988 and subsequently revised in February 1991 and June 1992. It can be found in Section 9 of the Part B application and is maintained on-site.

6.1.14 Respondent will maintain accumulation dates on pallets of batteries, as required by Title 22, section 66266.81(a)(7)(D).

This item was completed prior to the signing of the Agreement. A bold-face, permanent marker is used to legibly and conspicuously apply the date of receipt to each pallet of batteries placed in storage at the GNB facility.

6.1.15 Respondent will file a Notice of Discrepancy in the event that it receives waste from a foreign generator under a manifest that is incomplete, as required by Title 22, section 66265.72.

In the event that GNB receives lead-bearing material (e.g., "waste") from a foreign generator under a manifest that is incomplete, GNB agrees to file a Notice of Discrepancy with the Department. Upon discovering a significant discrepancy (as defined in 22 CCR 265.72), GNB will attempt to reconcile the discrepancy with the supplier and/or transporter by telephone. If the discrepancy cannot be resolved within 15 days after receipt of the

material, GNB will immediately send a letter to the Department describing the discrepancy and attempts made to resolve it, and a copy of the manifest and/or shipping papers at issue.

6.1.16 Respondent will maintain an operating record, which, without limitation, cross-references the storage location of hazardous waste received under manifest with the appropriate manifest document numbers, as required by Title 22, section 66265.73(b)(2).

This item was completed prior to the signing of the Agreement. Current practice for the receipt of lead-bearing material received under manifest (e.g., hazardous "waste"), is to immediately place the material into process within the blast furnace feed room. If this is not possible for any reason, GNB does and will maintain a record which indicates into which bin the material was placed for storage. The permitted container storage areas at the facility have individual "bins", or sub-areas, that have been labelled with numbers. The record thus reflects material storage location by bin number. See Exhibit 3.

6.1.17 Respondent will maintain training records which satisfy the provisions of Title 22, sections 66265.16(d) and (e) and include, without limitation, a showing that employees handling hazardous wastes (including, without limitation, slags, drosses and polypropylene chips) have received training within six months of beginning employment.

This item was implemented prior to the signing of the Agreement. Documentation that shows that new employees have received and completed the required training within six months of beginning employment is maintained in the office of the Safety Manager. An example of one type of training documentation is presented as Exhibit 4.

6.1.18 Respondent will refrain from charging the reverberatory furnace with rubber chips in excess of those needed as a reducing agent.

This item was implemented prior to the signing of the Agreement. When batteries are processed through the RMPS, the individual components are segregated. The rubber chips/battery separator fluff, the main elemental component of which is carbon, are charged to the furnace as a substitute for coke which is necessary as a reducing agent. Only that amount of rubber chips necessary to yield a reducing environment in reverberatory is charged to the furnace. Occasionally, if not enough rubber chips are available, coke is added to the furnace. No rubber chips/separator fluff is received from offsite.

6.1.19 Respondent has cleaned its Engineering and Laboratory Building and, as required by Title 22, section 66265.173, will ensure that it does not contain open, unlabelled containers of hazardous wastes.

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This item was completed prior to the signing of the Agreement. The building is completely cleaned and vacant.

6.1.20 Respondent has cleaned its Sampling Lab and will keep the floor of this area free of lead granules.

This item was implemented prior to the signing of the Agreement. The Sampling Lab has been cleaned. A designated employee has been assigned the responsibility of maintaining the area, including its floor, free from debris (e.g., lead granules).

6.1.21 Respondent will manage broken and leaking batteries as hazardous waste and shall, without limitation, store damaged batteries inside closed containers, as required by Title 22, section 66265.81(b)(1).

This item was implemented prior to the signing of the Agreement. Loads of incoming batteries are inspected at the gate. Only non-leaking batteries secured to pallets are placed in storage. If any batteries are found to be leaking, they are immediately unloaded into process. If, upon inspection of an incoming load, it is observed that the batteries were improperly loaded, resulting in numerous overturned batteries, GNB may refuse the load and inform the supplier that only batteries loaded and transported in accordance with 22 CCR 66266.81(b)(1) will be accepted at the facility.

GNB is currently encouraging its suppliers of batteries to switch to re-usable, reinforced, plastic boxes (with approximately the same capacity as one pallet of batteries) for shipping spent batteries. The boxes accommodate lids and would contain any leaking batteries.

6.1.22 Respondent will take precautions necessary to ensure that it does not accept metallic sodium waste.

This item was implemented prior to the signing of the Agreement. Loads of incoming materials are visually inspected to determine whether the contents match the description on the manifest or shipping papers and to ensure that the material is on GNB's list of acceptable materials. These procedures are described in Section 5 of the Part B application. As drummed material is unloaded into process within the blast furnace feed room, the contents is further inspected to ensure that deleterious materials are not charged to the furnace.

6.1.23 Respondent will (i) properly handle its wastewater treatment filter media as a hazardous waste and (ii) will place this material inside closed containers from which there will be no leaks onto the ground or the Facility substrate, as required by Title 22, section 66265.31.

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This item was implemented prior to the signing of the Agreement. Wastewater treatment filter media is initially transferred from the sand filters into an appropriate container. This material is then immediately transferred into process within the blast furnace feed room.

6.1.24 Respondent will maintain containers of hazardous waste, including, without limitation, lead dross and batteries, properly labelled, free from leaks and securely closed, except when necessary to add or remove material from such containers, as required by Title 22, sections 66265.171 and 66266.81(b)(1).

This item was initiated prior to the signing of the Agreement. Lead dross from the refinery kettles is skimmed off into steel boxes. The dross is removed from kettles of molten lead and is likewise, at a high temperature when first placed in the steel box. The boxes are managed within a designated area of the refinery department, inside the building. Due to the high temperature, a "tight" lid cannot be placed on the box. A loose cover is placed over the box in order to meet the requirements of 22 CCR 66265.171. Again, due to the heat of the dross, a labelled cannot be applied to the box. A sign is maintained at the boundary of the designated area and contains the information that would otherwise appear on a label. When the dross is cool enough, and before it is moved to any other storage area, a label is affixed to the box and it is securely covered.

Loads of incoming batteries are inspected at the gate. Only non-leaking batteries secured to pallets are placed in storage. If any batteries are found to be leaking, they are immediately unloaded into process. If, upon inspection of an incoming load, it is observed that the batteries were improperly loaded, resulting in numerous overturned batteries, GNB may refuse the load and inform the supplier that only batteries loaded and transported in accordance with 22 CCR 66266.81(b)(1) will be accepted at the facility.

6.1.25 Respondent will store hazardous waste including, without limitation, waste batteries and waste bundles received from K W Plastics, only in areas which are authorized under its Interim Status Document or Permit.

This item was initiated prior to the signing of the Agreement. GNB stopped accepting any material from KW Plastics prior to the signing of the Agreement. Drummed hazardous "waste" (e.g., recyclable lead-bearing materials) from other offsite suppliers are stored only in designated areas as described in the Part B application.

6.1.26 Respondent will conduct regular inspections of the rainwater retention pond located at the south end of its Facility.

This item was initiated prior to the signing of the Agreement. The primary responsibility for the inspections rests with the Environmental Chemist. The rainwater retention pond is regularly inspected both when it is full and when it is empty. An example of the inspection log for the rainwater retention pond is attached as Exhibit 5.

6.1.27 Respondent will submit a written report to the Department within 15 days after any fire or other emergency requiring the implementation of the Contingency Plan, as required by Title 22, section 66265.56.

GNB agrees that within 15 days of an incident which necessitated the implementation of emergency procedures described in the Contingency Plan, GNB will send a written report to the Department which will include the information specified under 22 CCR 66265.56(j). This requirement is described in the Contingency Plan. Table 10.10 in the plan lists the information that would be supplied.

6.1.28 Respondent will maintain Land Disposal Restriction notifications for wastes received, as required by Title 22, section 66265.73(b)(9).

This item was initiated prior to the signing of the Agreement. The only materials accepted at the facility are those which are amenable to lead reclamation. However, as required by 22 CCR 265.73(b)(9), a copy of the LDR notice which accompanies each shipment of hazardous "waste" received at the facility is maintained in the Environmental Clerk's Office. An example is attached as Exhibit 6. No lead-bearing material (e.g., "wastes") received at the GNB facility are managed in land disposal units.

6.1.29 Respondent will maintain copies of Land Disposal Restrictions for hazardous wastes shipped offsite, as required by Title 22, section 66268.7.

This item was initiated prior to the signing of the Agreement. A copy of the Land Disposal Restriction notice used for hazardous wastes (e.g., blast furnace slag) shipped offsite is attached as Exhibit 7.

6.1.30 Respondent will maintain aisle space, as required by Title 22, section 66265.35, including, without limitation, in the battery storage yard.

This item was initiated prior to the signing of the Agreement. Within the permitted storage areas, aisle space of at least 18 inches is and will be maintained along all walls. Pallets of batteries and/or drummed material will be arranged four pallets across with at least 18 inches of aisle space between every four pallets. As a separate issue, temporary palletized storage of batteries in the west yard was authorized by the Department with the same 18 inch aisle space implementation. Currently, the only battery storage in the west yard takes place in trailers. Aisle space sufficient to allow the movement of tractors and forklifts is

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maintained and is also more than adequate for inspection and emergency response. A more permanent off-site method for battery storage is currently under evaluation.

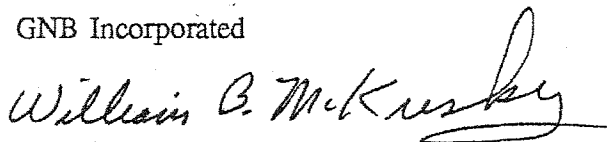
6.1.31 Respondent will maintain containers of recyclable materials labelled with the words "Excluded Recyclable Material" and any other language required by HSC sections 25143.2 and 25143.9.

This item was completed prior to the signing of the Agreement. Containers of recyclable materials that are not classified as RCRA or California hazardous waste (for example, dross generated from GNB's refinery kettles and recycled on-site) are appropriately labelled. The label also includes a warning that the material contains lead and must be managed by personnel equipped with the proper personal protection equipment.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sincerely,

GNB Incorporated



William B. McKusky
Environmental Manager

WBM:kls

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Attachments:

- Exhibit 1 Letter to Emergency Responders
- Exhibit 2 Generator's Certification Letter
- Exhibit 3 Designated Container Storage Areas
- Exhibit 4 Acknowledgement of New Hire Orientation
- Exhibit 5 Rainwater Retention Pond Inspection Log
- Exhibit 6 LDR Notice for Wastes Received Offsite
- Exhibit 7 LDR Notice for Wastes Shipped Offsite

cc: Dennis A. Ragen
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Mr. Edward L. Puckett, General Manager, Resource Recycling Division

Mr. Richard Crowell, Director, Environmental Development

Mr. Richard Thompson, Environmental Engineer